

REMARKS

Status of the Claims

Claims 1-28, 31-37, and 60 have been canceled without prejudice or disclaimer. Additionally, claims 29-30, 38-39, and 57-59 have been withdrawn from consideration. Claims 61-63 have been added and are supported by the disclosure. No new matter has been added. Claims 40-56 and 61-63 are pending.

Amendments to the Drawings

FIG. 1 has been amended to eliminate redundancies in the labeling of the drawing elements. In particular, FIG. 1 has been amended to include one instance of the label 102 and the other two instances of the label 102 have been replaced with label 190 and label 192.

Amendments to the Specification

Paragraph [0006] of the specification has been amended to include all of the elements of FIG. 1 and to make the specification consistent with FIG. 1. Paragraphs [0021], [0024], and [0028] have been amended to correct typographical errors. No new matter has been added.

Claims 40, 41, 44, 47-50, and 52-56 are Allowable

The Office has rejected claims 40, 41, 44, 47-50, 52-56, and 60, at paragraphs 1-1.13 of the Final Office Action, under 35 U.S.C. §103(a), as being unpatentable over U.S. Patent No. 6,038,293 ("McNerney"), in view of U.S. Patent No. 5,946,377 ("Wolf"). Applicant respectfully traverses the rejections.

None of the cited references, including McNerney and Wolf, disclose or suggest the specific combination of claim 40. For example, McNerney and Wolf do not disclose a routing engine module that identifies a destination IVR application when a live agent is not required, determines if the destination IVR is VoiceXML capable, and sends the caller to the destination IVR application when the destination IVR is VoiceXML capable, as recited in claim 40. In addition, McNerney and Wolf do not disclose that the routing engine module determines if the destination IVR application is capable of supporting an external data interface when the

destination IVR is not VoiceXML capable and routes incoming call session data to the destination IVR application when the destination IVR application is capable of supporting the external data interface, as recited in claim 40. Further, McNerney and Wolf do not disclose that the routing engine module constructs an audio file including one or more DTMF commands based on the incoming call session data and sends the one or more DTMF commands to the destination IVR when the destination IVR application is not VoiceXML capable and is not capable of supporting an external data interface, as recited in claim 40. In contrast to claim 40, McNerney discloses collecting data relating to an incoming call at a call recognition service and transferring the incoming call data to one or more call centers. (See McNerney, col. 4, ll. 9-24). Further in contrast to claim 40, Wolf discloses allowing a user to build a number of scripts that are used to access information in an IVR system. (See Wolf, col. 4, ll. 15-56). Therefore, McNerney and Wolf, separately or in combination, fail to disclose each and every element of claim 40. Hence, claim 40 is allowable.

Claims 41, 44, 47-50, and 52-56 depend from claim 40, which Applicant has shown to be allowable. Hence, McNerney and Wolf fail to disclose at least one element of each of claims 41, 44, 47-50, and 52-56. Accordingly, claims 41, 44, 47-50, and 52-56 are also allowable, at least by virtue of their dependency from claim 40.

In addition, Applicant submits that the rejection of claim 60 is moot because claim 60 has been canceled without prejudice or disclaimer.

Claims 42 and 45 are Allowable

The Office has rejected claims 42 and 45, at paragraphs 2-2.2 of the Final Office Action, under 35 U.S.C. §103(a), as being unpatentable over McNerney, in view of Wolf, and further in view of U.S. Patent No. 7,130,411 ("Brown"). Applicant respectfully traverses the rejections.

Claims 42 and 45 depend from claim 40, which Applicant has shown to be allowable. Brown does not disclose or suggest the elements of claim 40 that are not disclosed by McNerney and Wolf. For example, Brown does not disclose a routing engine module that identifies a destination IVR application when a live agent is not required, determines if the destination IVR

is VoiceXML capable, and sends the caller to the destination IVR application when the destination IVR is VoiceXML capable, as recited in claim 40. In addition, Brown does not disclose that the routing engine module determines if the destination IVR application is capable of supporting an external data interface when the destination IVR is not VoiceXML capable and routes incoming call session data to the destination IVR application when the destination IVR application is capable of supporting the external data interface, as recited in claim 40. Further, Brown does not disclose that the routing engine module constructs an audio file including one or more DTMF commands based on the incoming call session data and sends the one or more DTMF commands to the destination IVR when the destination IVR application is not VoiceXML capable and is not capable of supporting an external data interface, as recited in claim 40. Therefore, McNerney, Wolf, and Brown, separately or in combination, fail to disclose each and every element of claim 40. Hence, claims 42 and 45 are allowable, at least by virtue of their dependency from claim 40.

Claim 43 is Allowable

The Office has rejected claim 43, at paragraph 3 of the Final Office Action, under 35 U.S.C. §103(a), as being unpatentable over McNerney, in view of Wolf, and further in view of U.S. Patent Application Publication No. 2003/0235282 ("Sichelman"). Applicant respectfully traverses the rejections.

Claim 43 depends from claim 40, which Applicant has shown to be allowable. Sichelman does not disclose or suggest the elements of claim 40 that are not disclosed by McNerney and Wolf. For example, Sichelman does not disclose a routing engine module that identifies a destination IVR application when a live agent is not required, determines if the destination IVR is VoiceXML capable, and sends a caller to the destination IVR application when the destination IVR is VoiceXML capable, as recited in claim 40. In addition, Sichelman does not disclose that the routing engine module determines if the destination IVR application is capable of supporting an external data interface when the destination IVR is not VoiceXML capable and routes incoming call session data to the destination IVR application when the destination IVR application is capable of supporting the external data interface, as recited in claim 40. Further, Sichelman does not disclose that the routing engine module constructs an

audio file including one or more DTMF commands based on the incoming call session data and sends the one or more DTMF commands to the destination IVR when the destination IVR application is not VoiceXML capable and is not capable of supporting an external data interface, as recited in claim 40. In contrast to claim 40, Sichelman discloses integrating a call answering system that includes a software architecture that translates data stored in legacy databases to a form of an application program interface, such as XML or vXML. (See Sichelman, paragraphs [0107] and [0112]). Sichelman does not disclose determining a destination IVR application capability and sending call information to the destination IVR application based on the determined capability, as recited in claim 40. Therefore, McNerney, Wolf, and Sichelman, separately or in combination, fail to disclose each and every element of claim 40. Hence, claim 43 is allowable, at least by virtue of its dependency from claim 40.

Claim 46 is Allowable

The Office has rejected claim 46, at paragraph 4 of the Final Office Action, under 35 U.S.C. §103(a), as being unpatentable over McNerney, in view of Wolf, and further in view of U.S. Patent No. 5,729,600 ("Blaha"). Applicant respectfully traverses the rejections.

Claim 46 depends from claim 40, which Applicant has shown to be allowable. Blaha does not disclose or suggest the elements of claim 40 that are not disclosed by McNerney and Wolf. For example, Blaha does not disclose a routing engine module that identifies a destination IVR application when a live agent is not required, determines if the destination IVR is VoiceXML capable, and sends a caller to the destination IVR application when the destination IVR is VoiceXML capable, as recited in claim 40. In addition, Blaha does not disclose that the routing engine module determines if the destination IVR application is capable of supporting an external data interface when the destination IVR is not VoiceXML capable and routes incoming call session data to the destination IVR application when the destination IVR application is capable of supporting the external data interface, as recited in claim 40. Further, Blaha does not disclose that the routing engine module constructs an audio file including one or more DTMF commands based on the incoming call session data and sends the one or more DTMF commands to the destination IVR when the destination IVR application is not VoiceXML capable and is not capable of supporting an external data interface, as recited in claim 40. Therefore, McNerney,

Wolf, and Blaha, separately or in combination, fail to disclose each and every element of claim 40. Hence, claim 46 is allowable, at least by virtue of its dependency from claim 40.

Further, claim 46 recites additional features that are not disclosed or suggested by McNerney, Wolf, and Blahs. For example, claim 46 recites playing a pre-defined announcement before terminating the incoming call or refraining from answering the incoming call when a dialed number identification service identifier is not defined. McNerney and Wolf do not disclose playing a pre-defined announcement before terminating the incoming call or refraining from answering the incoming call when a dialed number identification service (DNIS) identifier is not defined, as recited in claim 46. In contrast to claim 46, Blaha discloses playing an automated message to a customer when a DNIS number is not transferred to a voice response unit. (See Blaha, col. 4, ll. 28-54). Blaha does not disclose playing a pre-defined announcement before terminating the incoming call or refraining from answering the incoming call when a dialed number identification service identifier is not defined, as recited in claim 46. For this additional reason, claim 46 is allowable.

Claim 51 is Allowable

The Office has rejected claim 51, at paragraph 5 of the Final Office Action, under 35 U.S.C. §103(a), as being unpatentable over McNerney, in view of Wolf, and further in view of U.S. Patent No. 6,044,146 ("Gisby"). Applicant respectfully traverses the rejections.

Claim 51 depends from claim 40, which Applicant has shown to be allowable. Gisby does not disclose or suggest the elements of claim 40 that are not disclosed by McNerney and Wolf. For example, Gisby does not disclose a routing engine module that identifies a destination IVR application when a live agent is not required, determines if the destination IVR is VoiceXML capable, and sends a caller to the destination IVR application when the destination IVR is VoiceXML capable, as recited in claim 40. In addition, Gisby does not disclose that the routing engine module determines if the destination IVR application is capable of supporting an external data interface when the destination IVR is not VoiceXML capable and routes incoming call session data to the destination IVR application when the destination IVR application is capable of supporting the external data interface, as recited in claim 40. Further, Gisby does not

disclose that the routing engine module constructs an audio file including one or more DTMF commands based on the incoming call session data and sends the one or more DTMF commands to the destination IVR when the destination IVR application is not VoiceXML capable and is not capable of supporting an external data interface, as recited in claim 40. Therefore, McNerney, Wolf, and Gisby, separately or in combination, fail to disclose each and every element of claim 40. Hence, claim 51 is allowable, at least by virtue of its dependency from claim 40.

Claims 61-63 are Allowable

None of the cited references disclose or suggest the specific combination of claim 61. For example, none of the cited references disclose loading a first customer goal understanding (CGU) module based on data received from a VoiceXML data module to engage a voice dialog with a caller to gather information related to a goal associated with an incoming call, as recited in claim 61. In addition, none of the cited references disclose determining a confidence level based on the voice dialog with the caller where the confidence level is related to the goal associated with the incoming call, informing the caller that the incoming call will be routed to at least one of a destination IVR application or a live agent queue when the confidence level is above a first threshold, loading a second CGU module when the confidence level is above a second threshold that is less than the first threshold, and invoking one or more error handling modules when the confidence level is less than the second threshold, as recited in claim 61. Hence, claim 61 is allowable.

Claims 62-63 depend from claim 61, which Applicant has shown to be allowable. Hence, the cited references fail to disclose at least one element of each of claims 62-63. Accordingly, claims 62-63 are also allowable, at least by virtue of their dependency from claim 61.

Further, the dependent claims include additional features that are not disclosed or suggested by the cited references. For example, none of the cited references disclose reserving a position in a live agent queue for an incoming call and placing the incoming call in the reserved position after listening to a personalized message with a length that is related to an estimated waiting time, as recited in claim 62. Additionally, none of the cited references disclose a VoiceXML data module that is adapted to reject an additional incoming call based on an

originating host Internet Protocol address associated with the additional incoming call, as recited in claim 63. For these additional reasons, claims 62 and 63 are allowable.

CONCLUSION

Applicant has pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the references applied in the Office Action. Accordingly, Applicant respectfully requests reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the pending claims.

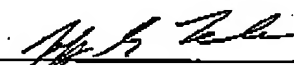
Any changes to the claims in this response, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

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Date


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